REMARKS

The Examiner rejected claims 1-11 under 35 U.S.C. 103(a) as being unpatentable over Heddaya et al. (U.S. Patent No. 6,205,481) in view of Balassanian (U.S. Patent Publication No. 2005/0021857).

Applicant respectfully submits that Heddaya and Balassanian are incompatible, and thus cannot be combined to teach or suggest the elements of the claimed invention as argued by the Office Action. Specifically, as the Office Action points out, Heddaya fails to teach or suggest routing data traffic at a data cache with reference to information in an application layer. Balassanian describes what it calls "routing" of media, but no intermediate device such as a router or data cache is described. Balassanian describes routing as the determination by the destination device about which resource to utilize to service the transmitted media. As such, Balassanian is using the term "routing" in the more general sense of the word. However, one of ordinary skill in the art recognizes that the term "routing" in the context of the present application refers to the use of intermediate devices, such as routers, switches, or data caches, and the determination of which "route" to take from device to device. It does not refer to internal decisions within a network device as to which resource within the device to assign. Balassanian only uses its "content-type" field to determine which resource to assign to the media once the media arrives at the destination device. It does not actually modify the destination device of the transmission, or the route it takes, based on the content type of the transmission.

Balassanian's failure to perform actual routing based on the content type is an important distinction because Balassanian must then rely on algorithms executed on both the source and destination devices to determine which resource to assign. Specifically, Balassanian requires that the source device embed either a "destination resource" or a "source type" in a field in each packet. See [0038] ("To route content from a source resource on a source appliance to a destination resource on a destination appliance, information about the destination resource must be known to the source appliance to appropriately encapsulate the content for routing across the network."). See also [0043] ("First, a header is built containing at least the source content-type and the destination appliance routing address string.)

Thus, in Balassanian, the source device essentially has "perfect information" about the destination device and resource or the content type prior to the packet being sent. It then must utilize this information in preparing the packet for transmission. The destination device then retrieves this information upon receipt of the packet, maps the information to a destination resource, and assigns the packet to the corresponding resource. See [0039]. This obviously

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requires processing steps on both the source device and destination device that were not previously performed.

Indeed, combining Balassanian with Heddaya makes no sense, because if the invention in Heddaya were modified so that the source device and the destination device performed the additional processing steps, there would be no reason at all to perform additional routing steps at the data cache. Alternatively, even if one were to perform some routing at the data cache, it would not be based on general application layer data but instead on the information specifically embdeeded by the source device. Essentially, Balassanian makes the job of any device that receives the packet quite easy by "pre-building" the packet in a way such that assigning a resource to the packet is quite easy. In other words, in Balassanian the source device actually makes the "routing" decision - it decides which resource to assign to the packet and embeds this information, either explicitly or implicitly, in the packet itself. In Heddaya, the intermediate device makes this "routing" decision. As such, the two references are incompatible. Either the source device makes the decision, or the intermediate device. It makes no sense to have a combined invention where the same decision is made on two separate devices.

The claimed invention, on the other hand, handles situations where the source device is not so saavy as to pre-build its content packets in this manner, or at least where the source device has elected not to build its content packets in this manner. In such instances, the intermediate device itself must determine how to route the packet without any help from the source device. Neither Heddaya nor Balassanian nor their combination teach or suggest assigning this level of sophistication to an intermediate device, let alone to a data cache. As such, Applicant respectfully submits that claim 1 is in condition for allowance.

Dependent claims 2-11, 17-19 are also patentably distinct from the cited references for at least the same reasons as those recited above for the independent claim, upon which they ultimately depend. These dependent claims recite additional limitations that further distinguish these dependent claims from the cited references. For at least these reasons, claims 2-11, 17-19 are not anticipated or made obvious by 2-11, 17-19 and/or the official notice outlined in the Office Action.

Applicants believe that all pending claims are allowable and respectfully requests a Notice of Allowance for this application from the Examiner. Should the Examiner believe that a telephone conference would expedite the prosecution of this application, the undersigned can be reached at the telephone number set out below.

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It is believed that this response renders the claims allowable, or at least narrows the issues for appeal. As such, Applicant respectfully requests that this response be entered and considered.

Respectfully submitted,
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